

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10-12 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claim 16 recites terms "stand-alone portable garden power supply" in line 1, and limitation "said massive body has an irregular shape resembling a natural boulder" in line 6. There is no support for the term and limitation found in the originally filed disclosure. Instead the originally filed disclosure describes a "rock" in paragraph 0007 or a "small rock" in paragraph 0011. There is nothing in the specification describing a "natural boulder". In addition, there is no reasonable description or definition in the originally filed disclosure about "stand alone" portable garden power supply. Since "stand alone portable garden power supply" is the preamble of the claim, the Examiner will consider the limitations of claim 16 is the definition of the "stand alone portable garden power supply".

Claims 10-12 are rejected because they depend on independent claim 16.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (PGPub 20020003697)) in view of Wen et al. (US Patent 4835664) and further in view of Hilton et al. (PGPub 20030121541).

Regarding claims 16 and 12, as seen in Figures 2, 2A, 2C-D, Chien discloses an outdoor lighting which comprises a housing (such as 21 in Figure 2, 31 in Figure 2A, 51 in Figure 2D) having a flat base and interior cavity; rechargeable battery (24 in Figure 2, 34 in Figure 2A, 54 in Figure 2D); a regulator (or circuit 25 in Figure 2, 35 in Figure 2A and 55 in Figure 2D) to control the solar system output voltage; solar cells (23 in Figure 2, 33 in Figure 2A, 53 in Figure 2D) on external surface portion (See paragraphs 0019-0020), wherein the external surface portion is flat to support the solar electricity-

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producing panels (or solar cells 23 as seen in Figures 2 and 2A-AD). Chien also teaches the organic eletro-luminescent element is driven by a direct current from solar cell incorporated with battery (See paragraph 0019), wherein the connection is established by terminals such as pin, plug, press-tight contact, snap-tight contact. (See claims 11 and 16). Chien teaches one outdoor lighting can supply power to other outdoor lighting as seen in Figure 1A.

Chien does not specifically teach the external surface portion for mounting the solar panel angling upwardly at an angle of about 45°. Nor does he teach the natural rock like appearance for the embodiments in Figures 1A-B, 2, 2A, 2C-D.

Wen teaches a solar lighting device for garden having the external surface portion for mounting the solar panel angling upwardly at an angle of about 45°. (See Figures 1, 5-7).

Hilton et al. teaches a backlighted home identification system power by solar cells (or outdoor lighting device) with a housing (or body) having a large rock-like or a boulder appearance as seen in Figure 19. (See paragraph 0039)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the outdoor lighting of Chien by having the external surface portion angling upwardly at an angle of about 45° as taught by Wen, and providing the housing (or body) having a rock-like appearance as taught by Hilton et al., because the Wen teaches the inclining arrangement would obtain the utmost effect of sunlight impinging upon the shell (See col. 1 line 65 to col. 2 line 4, claim 1) and Hilton et al. teaches the rock-like appearance is for placement in a garden area (See

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paragraph 0037). In addition, it is the Examiner's position that the outdoor lighting of Chien in view of Wen and Hilton is the "stand alone portable garden power supply".

Regarding claims 10-11, Hilton et al. teaches the housing (or body) of the outdoor lighting device made of synthetic material such as plastic. (See paragraphs 0031 or 0038)

### ***Response to Arguments***

Applicant's arguments filed 3/10/2008 have been fully considered but they are not persuasive.

Applicant argues that Chien does not teach a DC power outlet. However, the Examiner respectfully disagrees. As explained in the rejection above, Chien teaches the organic eletro-luminescent element is driven by a direct current from solar cell incorporated with battery (See paragraph 0019), wherein the connection is established by terminals such as pin, plug, press-tight contact, snap-tight contact. (See claims 11 and 16). Note: DC is a synonym of direct current.

Applicant argues that the combination of Chien in view of Hilton and Wen is not proper because "there is no reason as to why one skilled in the art would modify Chien based on the teachings of Hilton to provide a power supply having a massive body in the form of a boulder" and "Applicant submits that one skilled in the art would not modify Chien to incline the solar panel based on the teachings of Wen". However, Applicant's arguments are not deemed to be persuasive. First of all, Applicant has not provided any reasonable evidences why one skilled would not modify device of Chien in view of

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Hilton and Wen. Secondly, Hilton teaches a device powered by solar for outdoor use having a container in the shape of a large rock or boulder (See Figures 18-19 and paragraphs 0037 and 0039 of Hilton), and Wen teaches a shell (or container, or housing) having an external surface angling upwardly at an angle of about  $45^{\circ}$  (See Figures 1, 5-7 of Wen). It would have been obvious to one skilled in the art to modify the device of Chien by having the external surface portion angling upwardly at an angle of about  $45^{\circ}$  as taught by Wen and providing a housing (or body, or container, or shell) having a boulder appearance as taught by Hilton, because Wen teaches the inclining arrangement would obtain the utmost effect of sunlight impinging upon the shell (See col. 1 line 65 to col. 2 line 4 and claim 1 of Wen) and Hilton teaches the rock-like or boulder-like appearance is for placement in the garden area (See paragraphs 0037, 0039 of Hilton). In addition, because Chien, Hilton and Wen are concerned with outdoor device using solar power, one would have a reasonable expectation of success from the combination.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Truc Trinh whose telephone number is 571-272-6594. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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